



**U.S. Department of Justice**

*United States Attorney  
Southern District of New York*

The Jacob K. Javits Federal Building  
26 Federal Plaza, 37th Floor  
New York, New York 10278

## **MEMO ENDORSED**

February 10, 2025

**BY ECF AND EMAIL**

The Honorable Laura Taylor Swain  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, New York 10007

**Re: *United States v. Angel Arroyo*, 24 Cr. 347 (LTS)**

Dear Chief Judge Swain:

The Government respectfully submits this letter in response to the Court's order (Dkt. 29) entered in the above-referenced case. Defendant Angel Arroyo is scheduled to be sentenced on February 11, 2025 at 3:00 p.m. In the defendant's reply sentencing submission (Dkt. 26), the defendant objected to the United States Probation Office's and the Government's application of the attempted first-degree murder guideline under United States Sentencing Guidelines ("U.S.S.G.") § 2A2.1(a)(1), pursuant to § 2K2.1(c)(1)(A) and §§ 2X1.1(a) and (c)(1) in calculating the defendant's offense level. The defendant argues that the aggravated assault guideline under U.S.S.G. § 2A2.2 applies. Accordingly, the defendant requested a *Fatico* hearing on the issue.

The parties have conferred and believe that a brief *Fatico* hearing is appropriate to ensure that the parties have an opportunity to provide adequate support for their respective positions. At a *Fatico* hearing, the Government intends to offer as evidence an extended version of the surveillance video that was attached as Exhibit A to its sentencing submission in the above-referenced case. The Government understands that the defendant does not challenge the authenticity of the surveillance video. The parties have agreed to limit the evidence to the surveillance video, and neither party intends to call any witnesses. Accordingly, the parties anticipate that the hearing can be completed in conjunction with sentencing. The Government will make arrangements for the Court to receive a copy of the video in advance of sentencing. The relevant portion of the video begins at approximately 3:30 in the video clip. If the Court wishes, the Government can also provide instructions on how to view the video frame-by-frame and to also zoom in on certain portions of the video.

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The parties respectfully request that the Court hold a Fatico hearing on February 11, 2025 at 3:00 p.m. in connection with the defendant's sentencing.

Respectfully submitted,

DANEILLE R. SASSOON  
United States Attorney

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cc: Yusuf A. El Ashmawy, Esq. (by ECF and e-mail)

As requested above, the February 11, 2025 scheduled sentencing hearing will commence with a Fatico hearing as described above.

DEs 30 and 31 resolved.

SO ORDERED.

February 10, 2025

/s/ Laura Taylor Swain, Chief USDJ